

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC OLAF JENSEN,

Defendant and Appellant.

C046536

(Super. Ct. Nos.
03F1358 & 03F9553)

In May 2003, in case No. 03F1358, defendant Eric Olaf Jensen pleaded guilty to forgery. (Pen. Code, § 470, subd. (a); further statutory references are to the Penal Code.) In exchange, two counts of forgery and five counts of commercial burglary (§§ 459, 460, subd. (b)) were dismissed with a *Harvey* waiver.¹ Imposition of sentence was suspended and defendant was

¹ *People v. Harvey* (1979) 25 Cal.3d 754.

placed on probation on the conditions, among others, that he serve 90 days of incarceration and pay a \$400 restitution fine (\$ 1202.4).

In September 2003, a petition was filed alleging that defendant violated probation by failing to inform the probation officer of his new address, driving on a suspended license, and possessing marijuana while driving.

In October 2003, a petition was filed alleging that defendant violated probation by committing grand theft (\$ 487), commercial burglary (\$ 459), and forgery (\$ 470).

In March 2004, in case No. 03F9553, defendant pleaded guilty to two counts of commercial burglary, two counts of forgery, and one count each of receiving stolen property (\$ 496, subd. (a)), grand theft, and possessing a fictitious document (\$ 476). In exchange, 71 related counts were dismissed with a *Harvey* waiver. As part of his plea, defendant admitted that he violated probation in case No. 03F1358.

Defendant was sentenced to state prison for seven years, eight months; awarded 163 days of custody credit and 80 days of conduct credit; and ordered to make restitution to his victims and pay a \$1,400 restitution fine (\$ 1202.4) and a \$1,400 restitution fine suspended unless parole is revoked (\$ 1202.45).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel

of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

NICHOLSON, J.

HULL, J.